

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **Criminal No.** \_\_\_\_\_

**v.** : **Date Filed:** \_\_\_\_\_

**JOHNNY GUNTER** : **VIOLATIONS:**

: **18 U.S.C. § 846 (conspiracy to distribute**

: **in excess of 50 grams of cocaine base**

: **("crack") - 1 count)**

: **21 U.S.C. §§ 841(a)(1) and (b)(1)(A)**

: **(possession with intent to distribute in**

: **excess of 50 grams of cocaine base**

: **("crack") - 1 count)**

: **21 U.S.C. § 860(a) (possession of cocaine**

: **base "crack" with the intent to distribute**

: **within 1000 feet of a school - 1 count)**

: **18 U.S.C. § 924(c) (carrying a firearm**

: **during and in relation to a drug**

: **trafficking crime - 1 count)**

: **18 U.S.C. § 922(g)(1) (possession of a**

: **firearm by a convicted felon - 1 count)**

: **18 U.S.C. § 2 (aiding and abetting)**

: **Notice of forfeiture**

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

1. From in or about January 2004 through on or about February 3, 2004, at West Reading, in the Eastern District of Pennsylvania, and elsewhere, defendant

**JOHNNY GUNTER**

conspired and agreed, with others known and unknown to the grand jury, to knowingly and intentionally distribute in excess of 50 grams, that is approximately 72.5 grams, of a mixture or substance containing a detectable amount of cocaine base (hereinafter "crack" or "crack

cocaine”), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

### **MANNER AND MEANS**

It was a part of the conspiracy that:

1. Defendant JOHNNY GUNTER purchased crack cocaine from suppliers in New York, and elsewhere, for distribution in Berks County, Pennsylvania.
2. Defendant JOHNNY GUNTER and Person #1, known to the grand jury, rented room 108 of the Penn View Motel, West Reading, Pennsylvania to use for the distribution of crack cocaine in West Reading, Reading and vicinity.
3. Defendant JOHNNY GUNTER and Person #1 weighed and packaged crack cocaine into packets for distribution.
4. Defendant JOHNNY GUNTER and Person #1 sold packets of crack cocaine for \$20 each.
5. Defendant JOHNNY GUNTER distributed crack cocaine to customers from room 108 of the Penn View Motel and elsewhere.
6. Defendant JOHNNY GUNTER employed Person #1 to sell crack cocaine from room 108 of the Penn View Motel and elsewhere.
7. To protect the location and to prevent the theft of crack cocaine, defendant JOHNNY GUNTER used and carried a firearm.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were performed in West Reading, in the Eastern District of Pennsylvania,

and elsewhere:

1. In or about January 2004, defendant JOHNNY GUNTER and Person #1, known to the grand jury, rented room 108 at the Penn View Motel to use for the distribution of crack cocaine in West Reading, Reading and vicinity.

2. On or about February 3, 2004, defendant JOHNNY GUNTER and Person #1 possessed approximately 72.5 grams of crack cocaine, which they intended to sell from room 108 of the Penn View Motel in West Reading, Pennsylvania.

3. In or about February 3, 2004, defendant JOHNNY GUNTER possessed a firearm, that is, a loaded .25 caliber Bryco Arms, Model J25, handgun with an obliterated serial number, in furtherance of his drug trafficking activities in room 108 of the Penn View Motel, West Reading, Pennsylvania.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 3, 2004, at West Reading, in the Eastern District of Pennsylvania, defendant

**JOHNNY GUNTER**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, in excess of 50 grams, that is, approximately 72.5 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 3, 2004, at West Reading, in the Eastern District of Pennsylvania, defendant

**JOHNNY GUNTER**

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute of, in excess of 50 grams, that is, approximately 72.5 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the West Reading Elementary School, a public elementary school, located at 421 Chestnut Street, West Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

In violation of Title 21, United States Code, Section 860(a) and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 3, 2004, at West Reading, in the Eastern District of Pennsylvania, defendant

**JOHNNY GUNTER**

knowingly carried a firearm, that is, a .25 caliber Bryco Arms, Model J25, handgun, with an obliterated serial number, loaded with six (6) rounds of ammunition, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 860(a), as charged in this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 3, 2004, at West Reading, in the Eastern District of  
Pennsylvania, defendant

**JOHNNY GUNTER,**

having been convicted in a court of the Common Pleas of Pennsylvania of an offense punishable  
by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate  
commerce, a firearm, that is, a .25 caliber Bryco Arms, Model J25, semiautomatic handgun,  
serial number obliterated, loaded with six live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1) set forth in this Indictment, the defendant

**JOHNNY GUNTER**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

(1) a .25 caliber Bryco Arms, Model J25, handgun, serial number obliterated; and

(2) 99 rounds of Remington .25 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

\_\_\_\_\_  
**GRAND JURY FOREPERSON**

\_\_\_\_\_  
**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**